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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,947	12/02/2003	Joshua M. Johnson	15437-0647	5352

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HICKMAN PALERMO TRUONG & BECKER, LLP  
2055 GATEWAY PLACE  
SUITE 550  
SAN JOSE, CA 95110

EXAMINER

NGUYEN, LE V

ART UNIT	PAPER NUMBER
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2174

MAIL DATE	DELIVERY MODE
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06/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/726,947	<b>Applicant(s)</b> JOHNSON, JOSHUA M.	
	<b>Examiner</b> Le Nguyen	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 12-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8-11, 21, 22 and 28-31 is/are rejected.
- 7) ☒ Claim(s) 3-7 and 23-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :7/6/04, 10/7/04, 2/7/06, 5/10/06, 8/28/06, and 5/15/07.

### **DETAILED ACTION**

1. This communication is responsive to a communication filed 3/9/07.
2. Claims 1-31 are pending in this application; and, claims 1 and 21 are independent claims. Claims 12-20 are drawn to the non-elected claims and are withdrawn from consideration.

#### ***Claim Objections***

3. Claims 11 and 31 are objected to because of the following informalities:  
"provisionable" of line 2 of claims 11 and 31 appear to be a typographical error and will be interpreted as provisional. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 8 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Since "said indicating" of claims 8 and 28 refers to the "indicating" of claims 1 and 21 that comprises the allowable connection between a second graphical depiction representing a singular second node and a first graphical depiction representing a singular first node, the "graphical depictions representing allowable connectable nodes to said first node" within the phrase "highlighting a plurality of graphical depictions

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representing allowable connectable nodes to said first node" in lines 2-4 of claims 8 and 28 appears to contradict "determining allowability of a second graphical depiction representing said second node if a second graphical depiction representing said second node is in graphical proximity to an on-screen cursor; indicating said allowability on said display" of lines 6-10 of claim 1 from which claim 8 depends and lines 9-13 of claim 21 from which claim 28 depends. Therefore, in order to clarify claims 8 and 28, the examiner will interpret "said indicating a second graphical depiction comprises highlighting a plurality of graphical depictions representing allowable connectable nodes to said first node" to mean: said indicating allowable connection between said second node to said first node comprises highlighting said second graphical depiction representing said second node.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 8-11 and 28-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Tonelli et al. ("Tonelli").

As per claim 1, Tonelli teaches a method for managing a network comprising presenting a graphical display of a plurality of graphical depictions

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representing nodes in said network (fig. 11; e.g. graphical depictions 112' and 116' represents nodes or a component of a network such as a device), accepting a user selection of a first graphical depiction representing a first node (col. 9, lines 10-40; e.g. 116'), automatically determining allowability of a connection to a second node if a second graphical depiction representing said second node is in graphical proximity to an on-screen cursor (col. 9, lines 10-40; automatically determining allowability of a connection to the second node such as 112' that is in graphical proximity to an on-screen cursor upon user's dragging motion towards 112'), indicating said allowability on said display (col. 9, lines 10-14), accepting a user selection of said second graphical depiction (col. 9, lines 10-16), displaying a graphical representation of an allowable connection between said first node and said second node (col. 9, lines 10-14; col. 10, lines 27-28) and implementing said allowable connection in said network (col. 4, lines 29-30; col. 9, lines 10-16).

As per claim 8, Tonelli teaches a method for managing a network wherein said indicating a second graphical depiction comprises highlighting a plurality of graphical depictions representing allowable connectable nodes to said first node, i.e. said indicating allowable connection between said second node to said first node comprises highlighting said second graphical depiction representing said second node (col. 9, lines 10-14).

As per claim 9, Tonelli teaches a method for managing a network wherein said automatically determining allowability of a connection to a second node

comprises accessing data in a memory-resident database of allowable connections to said first node (fig. 1; col. 8, lines 50-52).

As per claim 10, Tonelli teaches a method for managing a network wherein said graphical representation of a connection between said first node and said second node comprises a line between said first graphical depiction and said second graphical depiction (col. 10, lines 27-28).

As per claim 11, Tonelli teaches a method for managing a network wherein said network is a provisional network and wherein said nodes are heterogeneous (col. 4, lines 29-30; col. 6, lines 39-42).

Claim 21 is similar in scope to claim 1 and is therefore rejected under similar rationale.

Claim 28 is similar in scope to claim 8 and is therefore rejected under similar rationale.

Claim 29 is similar in scope to claim 9 and is therefore rejected under similar rationale.

Claim 30 is similar in scope to claim 10 and is therefore rejected under similar rationale.

Claim 31 is similar in scope to claim 11 and is therefore rejected under similar rationale.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonelli et al. ("Tonelli") in view of Blumenau et al. (US 6839747 B1, "Blumenau").

As per claim 2, although Tonelli teaches a method for managing a network comprises accepting a user selection of a first graphical depiction (col. 9, lines 10-40; e.g. 116'). Tonelli does not explicitly disclose highlighting the first graphical depiction with a visual attribute. Blumenau teaches highlighting the first graphical depiction with a visual attribute (fig. 14; col. 28, lines 10-16). It would have been obvious to an artisan at the time of the invention to incorporate the method of Blumenau with the method of Tonelli in order to provide confirmation of user's selection.

Claim 22 is similar in scope to claim 2 and is therefore rejected under similar rationale.

#### ***Allowable Subject Matter***

10. Claims 3-7 and 23-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is an examiner's statement of reasons for allowance:



The prior art made of record fails to anticipate or make obvious the claimed invention. Specifically, the prior art fails to teach, in combination with the remaining elements:

the method and system wherein said accepting a user selection of a first graphical depiction comprises presenting a movable graphical line between said first graphical depiction and said on-screen cursor as recited in claims 3 and 23.

Although Tonelli and Blumenau teach a substantial amount of the claimed matters, Tonelli and Blumenau fail to anticipate or render the above underlined limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Doi et al. (US 6,970,919 B1) teach a method and system for network management as depicted in fig. 25.

Hansen (US 6,772,204 B1) teaches connecting 122 to 124 by holding a leftmost button on the mouse in the depressed position while pointing to 122 and repositioning the mouse to point at 124 as depicted in fig. 7.

***Inquires***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (571) 272-4063.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lvn  
Patent Examiner  
May 27, 2007

  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100